IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 21ST JULY 2006 / 30TH ASHADHA,1928

Bail Appl..No. 4389 of 2006

(CRIME NO.280/2006 OF ERNAKULAM TOWN SOUTH POLICE STATION)

PETITIONER/ACCUSED:

TOM SUNIL XAVIER, MANAKKIL HOUSE,
PANAMPILLY NAGAR, COCHIN-36.

BY ADV. SRI.S.RAMESH BABU

RESPONDENTS: COMPLAINANT:

---

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
ERNAKULAM TOWN SOUTH POLICE STATION,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4389/2006

DATED THIS THE 21ST DAY OF JULY, 2006

O R D E R

The petitioner is the second accused in crime No. 280/2006 of Ernakulam Town South Police Station. The offence alleged against him and the first accused are under Sections 135, 138, 139 of the Electricity Act, 2003 and also 420 IPC. The allegation against them is that the petitioner is the owner of Manakkil Tourist Home at Panampilly Nagar, Cochin. The building is given electric connection. There is an electric meter installed to measure the electricity consumed, and consumer number was supplied. On 22.10.2005, there was an inspection by the electricity officials. It was detected that the electricity meter was tampered with and the electric theft, committed. The provisional assessment, as per Section 126 of the Electricity Act, 2003, was made amounting to Rs.2,75,156/-, with a direction to pay the said amount within seven days of the receipt of the demand. The petitioner submitted that the said amount had been remitted, as per the demand draft dated 25.10.2005.

However, the petitioner apprehends arrest. Hence he is before this Court, under Section 438 Cr.P.C.

2. I heard the learned Public Prosecutor. I had also gone through the materials. I am not entering into any discussion, on merit. It is for the authorities to proceed with the matter. As the amount provisionally assessed, had already been remitted, I direct the petitioner to appear before the investigation officer, between 10.30 a.m and 11.00 a.m., on 27.7.2006. The investigating officer shall interrogate him and in the event of the arrest of the petitioner, he shall be released on bail, on he executing a bond for Rs.50,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the investigating officer arresting him.

3. The petitioner shall appear before the investigating officer as and when required, till 21.8.2006, for the completion of the investigation.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs